

**REMARKS**

Claims 1-18, 21 and 24-27 now stand in the application, claim 23 having been canceled and new claims 24-27. Reconsideration of the application and allowance of all claims are requested.

The claims have now been amended to more clearly recite the base station sending processing capacity limits to a base station controller which then evaluates whether any of the processing capacity limits have been reached. This is not shown or suggested in Fapojuwu.

Claims 25-27 describe a type of signaling and analysis further not taught by Fapojuwu.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 28, 2006

/DJCushing/  
David J. Cushing  
Registration No. 28,703